

1 Michael V. Infuso, Esq., Nevada Bar No. 7388
2 Zachary P. Takos, Esq., Nevada Bar No. 11293
3 **GREENE INFUSO, LLP**
4 3030 South Jones Boulevard, Suite 101
5 Las Vegas, Nevada 89146
6 Telephone: (702) 570-6000
7 Facsimile: (702) 463-8401
8 E-mail: minfuso@greeneinfusolaw.com
9 ztakos@greeneinfusolaw.com

10 Attorneys for Ke Aloha Holdings, LLC

11
12 **UNITED STATES DISTRICT COURT**
13 **DISTRICT OF NEVADA**
14

15 JAMES W. PENGILLY, a Nevada resident,
16
17 Plaintiff,
18
19 v.

20 NEVADA ASSOCIATION SERVICES,
21 INC., a Nevada corporation; MARK A.
22 STUHMER, a Nevada resident; DOUGLAS
23 L. CROOK, a Nevada resident; BILL
24 BLANCHARD, a Nevada resident;
25 KENNETH R. SAILLEY, a Nevada
26 resident; ERIKA GEISER, a Nevada
27 resident; KE ALOHA HOLDINGS, LLC, a
28 Nevada Limited Liability Company; DOES I
through X, inclusive; and ROE
CORPORATIONS I through X inclusive;

Defendant.

2:14-cv-01463-RFB-NJK

(Removed from Eighth Judicial District
Court, Clark County, Nevada, Case No.
A-14-695263-C)

**STIPULATION AND ORDER TO
WITHDRAW MOTION FOR
SUMMARY JUDGMENT, RESPONSES
AND COUNTERMOTIONS**

1 KE ALOHA HOLDINGS, LLC, a Nevada
2 limited liability company,

3
4 Counterclaimant,

5 v.

6 JAMES W. PENGILLY, an individual;
7 AMANDA M. PENGILLY, an individual;
8 JAMES W. PENGILLY and AMANDA M.
9 PENGILLY, as trustees of the James W.
10 Pengilly Trust, dated September 22, 2003;
11 GREEN TREE SERVICING, LLC, a
12 Delaware limited liability company;
13 UNITED STATES INTERNAL REVENUE
14 SERVICE; BANK OF AMERICA, National
15 Association; and any and all other persons
16 unknown claiming any right, title, estate, lien
17 or interest in the Property adverse to the
18 Plaintiff's ownership, or any cloud upon
19 Plaintiff's title thereto (DOES 1 through 10,
20 inclusive);

21 Counterdefendants.

22
23 GREEN TREE SERVICING LLC, a
24 Delaware limited liability company,

25 Counterclaimant and Crossclaimant,

26 v.

27 KE ALOHA HOLDINGS, LLC; NEVADA
28 ASSOCIATION SERVICES, INC., a
Nevada Corporation; WEST
CHARLESTON LOFTS OWNERS
ASSOCIATION, a domestic non-profit
corporation; and DOES I through X,
inclusive,

Counterdefendants and
Crossdefendants.

23 Ke Aloha Holdings, LLC, a Nevada limited liability company ("Ke Aloha") by and
24 through its counsel of record, the firm of Greene Infuso, LLP; James W. Pengilly and Amanda M.
25 Pengilly (collectively "Pengilly Parties") by and through his counsel of record, the firm of
26 Pengilly Robbins; Green Tree Servicing, LLC ("Green Tree") by and through its counsel of
27 record, the firm of Brooks Hubley, LLP; United States Internal Revenue Service ("IRS") by and
28 through the Department of Justice; and Nevada Association Services, Inc., a Nevada corporation,

1 Douglas L. Crook, Erika Geiser, Mark A. Stuhmer (collectively "HOA Parties"), by an through
2 their counsel of record, the firm of Leach Johnson Song & Gruchow, hereby stipulate as follows:

3 WHEREAS, the Ke Aloha filed a Motion for Summary Judgment ("Motion") (filed with
4 the Court as Document no. 43) on or about July 27, 2015;

5 WHEREAS, the United States of America, Internal Revenue Service filed a Statement on
6 the Motion ("IRS Statement") (filed with the Court as Documents no. 46) on or about August 20,
7 2015;

8 WHEREAS, Pengilly filed a response to the Motion ("Pengilly Response") (filed with the
9 Court as Document no. 47) on or about August 20, 2015;

10 WHEREAS, Green Tree filed a response to the Motion and Countermotion for Discovery
11 ("Green Tree Response") (filed with the Court as Document nos. 48, 52 and 53) on or about
12 August 20, 2015; and

13 THEREFORE, the parties hereby agree and stipulate to withdraw the Ke Aloha Motion,
14 the Pengilly Response and Green Tree Response without prejudice and, without effect or
15 prejudice upon any motions filed prior.

16 Dated: September 9, 2015.

Dated: September 9, 2015.

17 Greene Infuso, LLP

Pengilly Robbins

19 /s/ Michael V. Infuso

/s/ David M. Gardner

20 Michael V. Infuso, Esq., Nevada Bar No. 7388
21 Zachary P. Takos, Esq., Nevada Bar No. 11293
3030 South Jones Boulevard, Suite 101
Las Vegas, Nevada 89146

David M. Gardner, Esq.
Nevada Bar No. 12375
1995 Village Center Circle
Suite 155
Las Vegas, Nevada 89134

22 Attorneys for Ke Aloha Holdings, LLC

Attorneys for James W. Pengilly and
Amanda M. Pengilly

1 Dated: September 9, 2015.

2 BROOKS HUBLEY, LLP

3 /s/ Michael R. Brooks

4 Michael R. Brooks, Esq., Nevada Bar #7287
1645 Village Center Circle, Suite 200
5 Las Vegas, Nevada 89134

6 Attorneys for Green Tree Servicing, LLC
7

8 Dated: September 9, 2015.

9 LEACH JOHNSON SONG & GRUCHOW

10 /s/ Sean L. Anderson

11 Sean L. Anderson, Esq., NV Bar #7259
Ryan W. Reed, Esq., NV Bar #11695
12 8945 W. Russell Road, Suite 330
Las Vegas, Nevada 89148

13 Attorneys for Nevada Association Services, LLC
14 and West Charleston Lofts Owners Association

15
16 ///

17 ///

18 ///

19 ///

20 ///

21 ///

Dated: September 9, 2015.

U.S. Department of Justice

/s/ Gerald A. Role

Gerald A. Role, Esq. (IL #6198922)
Trial Attorney, Tax Division
P.O. Box 683
Washington, D.C. 20044

Attorneys for United States Internal Revenue
Service

ORDER

IT IS HEREBY ORDERED that the Motion for Summary Judgment filed by Ke Aloha Holdings, LLC ("Motion") on or about July 27, 2015 is hereby withdrawn without prejudice;

IT IS FURTHER ORDERED that the IRS Statement filed by the United States of America on or about August 20, 2015 is hereby withdrawn without prejudice;

IT IS FURTHER ORDERED that the Response to the Motion filed by the Pengilly Parties on or about August 20, 2015 is hereby withdrawn without prejudice;

IT IS FURTHER ORDERED that the Response to the Motion and Countermotion for Discovery filed by Green Tree on or about August 20, 2015 is hereby withdrawn without prejudice; and

IT IS FURTHER ORDERED that any hearings associated with the Motion, Statement, Responses and Countermotion listed above are hereby vacated and this Order in no way shall no way prejudice or have any effect on any motions or responses, other than those specifically listed in this stipulation and order.

DATED this 11th day of September, 2015.



RICHARD F. BOULWARE, II
United States District Judge

Submitted by:

Greene Infuso, LLP

/s/ Michael V. Infuso

Michael V. Infuso, Esq., Nevada Bar No. 7388
Zachary P. Takos, Esq., Nevada Bar No. 11293
3030 South Jones Boulevard, Suite 101
Las Vegas, Nevada 89146

Attorneys for Ke Aloha Holdings, LLC